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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,930	01/20/2006	Erik Boudewijn Van Der Tol	NL 030892	9365

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

JACKSON, BLANE J

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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07/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,930	Applicant(s) VAN DER TOL, ERIK BOUDEWIJN	
	Examiner Blane J. Jackson	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the system blocks of figures 1 and 2 lack appropriate text legends for ready identification.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kosaka (US 7,062,250).

As to claim 1, Kosaka teaches a mobile device comprising:

a display device for displaying a number of display images of a sequence of display images, during a predetermined amount of time (figures 4 and 5, column 5, lines 35-67, image processing unit (7) controlling the frame rate of display (8) during a user selected video conference), and

an energy resource for providing the display device with energy, characterized in that the mobile device further comprises energy management means for estimating an amount of available energy of the energy resource and control means for controlling the number of display images on basis of the amount of available energy (figure 4, column 2, lines 34-63, a cellular video telephone comprises power monitoring unit (11) that monitors the voltage of the battery such that control unit (1) calculates the remaining power of the battery (12); column 6, lines 1-33, control unit (1) sets the communication speed and the display frame rate' image resolution and brightness of the back light to more than two stages based on the remaining electric power of the battery during a video conference).

As to claim 2 with respect to claim 1, Kosaka teaches the mobile device comprises an image acquisition unit for acquisition of a further number of input images during the predetermined amount of time, the display images being based on the input images (figures 4 and 5, the frame rate from camera (8) is controlled via image

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processing unit (7) in accordance to the detected remaining power in the battery, i.e. 10 or 30 frames/second).

As to claim 3 with respect to claim 2, Kosaka teaches the control means (114) are arranged control the further number of input images, being acquired by the image acquisition unit, on basis of the amount of available energy (column 6, lines 19-32, the frame rate is based on the remaining electric power of the battery or manually selected by the user).

As to claim 9 with respect to claim 1, Kosaka teaches communication means for exchange of data with other devices (figure 4, column 2, lines 34-63, a cellular video telephone).

As to claim 10 with respect to claim 9, Kosaka teaches the data corresponds to input images on which the display images are based (column 5, lines 53-67, image and voice transmission/ reception control).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over in Kosaka (US 7,062,250) in view of Schwab et al. (US 2002/0118296).

As to claims 4-6 and 8, Kosaka teaches an imaging processing unit and control unit to automatically determine the image frame rate and resolution based on the remaining electric power of the battery or selection by the user, column 6, lines 1-32, but does not teach a temporal up-conversion unit, an interpolation unit for computing the ratio between the number of input images and the number of the display images on the basis of the amount of available energy.

Schwab teaches a personal computer or workstation enabling a user to edit and manipulate an input video program in a final format which may have a different frame rate or pixel dimensions or both, paragraph 0017. Schwab discloses frame rates are adapted by up-conversion inter frame interpolation or by traditional schemes to up-convert 24 fps to 60 fps with respect to the motion of the live action elements, paragraphs 0033-0036.

It would have been obvious to one of ordinary skill in the art at the time of the invention to realize to manipulate the frame rate and display resolution of Kosaka as suggested by Schwab to adjust for static or fast motion video elements based on the remaining electric power of the battery.

Allowable Subject Matter

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims. The prior art of record does not teach the mobile device comprises user interface means to control the control means to make a trade-off between control of the image acquisition unit and the interpolation unit.

Conclusion

Reference the attached form PTO-892 for the prior art made of record and not relied upon but considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Thursday, 8:30 AM-7:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blane J Jackson/
Primary Examiner, Art Unit 2618